

REMARKS

First, Applicants would like to thank Examiner Riviere for her time to participate in the telephone interview on September 15, 2009. As discussed during the telephone interview, Applicants have amended the claims to more clearly claim that the “eco-value” is derived based on the production volume of product produced using plant based resources.

This amendment is offered in response to the Office Action of June 4, 2009.

The Office Action rejected claim 42 under 35 U.S.C. §102(e) as being anticipated by McMorris, III et al. (US2004/0230443 – “McMorris”). Claim 50 is rejected under 35 U.S.C. §102(e) as being anticipated by Sandor et al. (US2006/0184445 – “Sandor”). Claims 11-20 are rejected under 35 U.S.C. §103(a) as being obvious over Leslie Webb, “Sticking to the Requirements of Eco-Labels, PPI, Oct. 2000, Vol. 42, Iss. 10, page 39 (“Webb”) in view of Riina-Riitta Helminen, “Developing Tangible Measures for Eco-Efficiency: The case of the Finnish and Swedish Pulp and Paper Industry” (“Helminen”). Further, claims 39-41, 44-49, and 51-53 are rejected under 35 U.S.C. §103(a) as being obvious over Sandor in view of Webb.

In response to the above rejections, applicants have cancelled claims 12-19, 39-41, and 44-53. Claim 11, 20, 42 and 43 and two new claims 54 and 55 are currently pending.

Support for the new claims 54 and 55 are found in paragraphs 8, 15, 16, 127, 128 and throughout the specification. No new matter is being added.

Applicants have amended dependent claims 11 and 42. The amended claims now more clearly claim that the eco value is derived from the volume of the organic compound product produced using plant based resources. Further, the eco value derived from the production of the organic compound product using plant based resources is used to calculate the volume of the

same organic compound product produced using fossil based resources, which the labeling right is exercised. Support for the amendments are found in the original claims, paragraphs 8, 15, 16, and 123 of the specification and throughout the specification. No new matter is being added.

The new independent claim 54 claims application of the eco-value transfer between two different organic compounds. The new independent claim 55 claims application of the eco-value transfer when production method is considered in addition to the production volume.

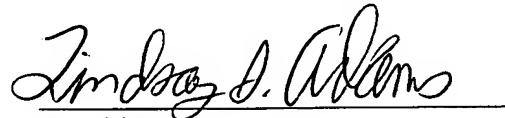
Applicants believe McMorris fails to disclose all the elements of the amended claim 42 and new claims 54 and 55. Further, neither Webb nor Helminen alone or in combination disclose all the elements of the amended claim 11.

It is respectfully submitted that all of the presently pending claims are in immediate condition for allowance.

The Examiner is respectfully requested to withdraw the rejections of the claims, to enter this amendment, to allow the claims, and to pass this application to early issue.

A request for continued examination, two month extension of time and fees are enclosed. Applicants do not believe that there are any additional fees due. However, if any additional fees are due, please charge such sums to our Deposit Account: 50-1145.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Gerald Levy", is written over a horizontal line.

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